

REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

The examiner objects to FIGURE 1 as being prior art but not being so labeled. The proposed drawing amendments have been submitted for the examiner's approval.

The examiner objected to the specification, but did not specifically list what the objections were. Titles have been added to the specification and a paragraph for summarizing the invention have been added to overcome the presumed objections of the Examiner. If the Examiner has other objections, the Examiner is requested to specifically identify those objections in an Office action.

Claims 1, 3 and 4 were rejected under 35 U.S.C. §102 as being anticipated by Platt (U.S. 5,226,086). For the following reasons, the rejection is respectfully traversed.

Claims 1, 3, and 4 were cancelled without prejudice. New claim 6 recites a fitting system for "in situ fitting" having "a *rating unit* with an output and generating at said output an output signal as a response of said *individual's* appraisal of an auditory stimulus" (lines 6-7, emphasis added) with "said output of said rating unit being linked to said input of said fitting calculator unit" (lines 8-9). The cited references does not teach these elements of claim 6.

Platt discloses an interface unit connected to a hearing aid that receives auditory characteristics (see FIG. 2 and corresponding text). However, Platt does not disclose a "rating unit" for generating an output based on an "individual's" appraisal of an auditory stimulus. Further, it is clear that Platt envisions only the health professional as providing information to the interface (see col. 9, lines 5-13). Nowhere does Platt suggest that the individual being tested for the hearing aid provide information (via the individual's appraisal "response") into the interface via a rating unit, or that the fitting is performed "in situ". Accordingly, Platt does not

suggest all of the elements of claim 6, and therefore claim 6 is patentable over Platt. New Claims 7-10, being dependent on claim 6, are thus patentable over Platt for the same reasons.

New claim 11 recites "having said individual input his appraisal of said auditory stimulus to a rating unit" (lines 4-5) which is analogous to the language of claim 6 at lines 6-7, and thus claim 11 is patentable over Platt for the same reasons discussed for claim 6.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32771US1.

Respectfully submitted,

PEARNE & GORDON, LLP

By:



Robert F. Bodi, Reg. No. 48,540

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

June 5, 2002

1/2

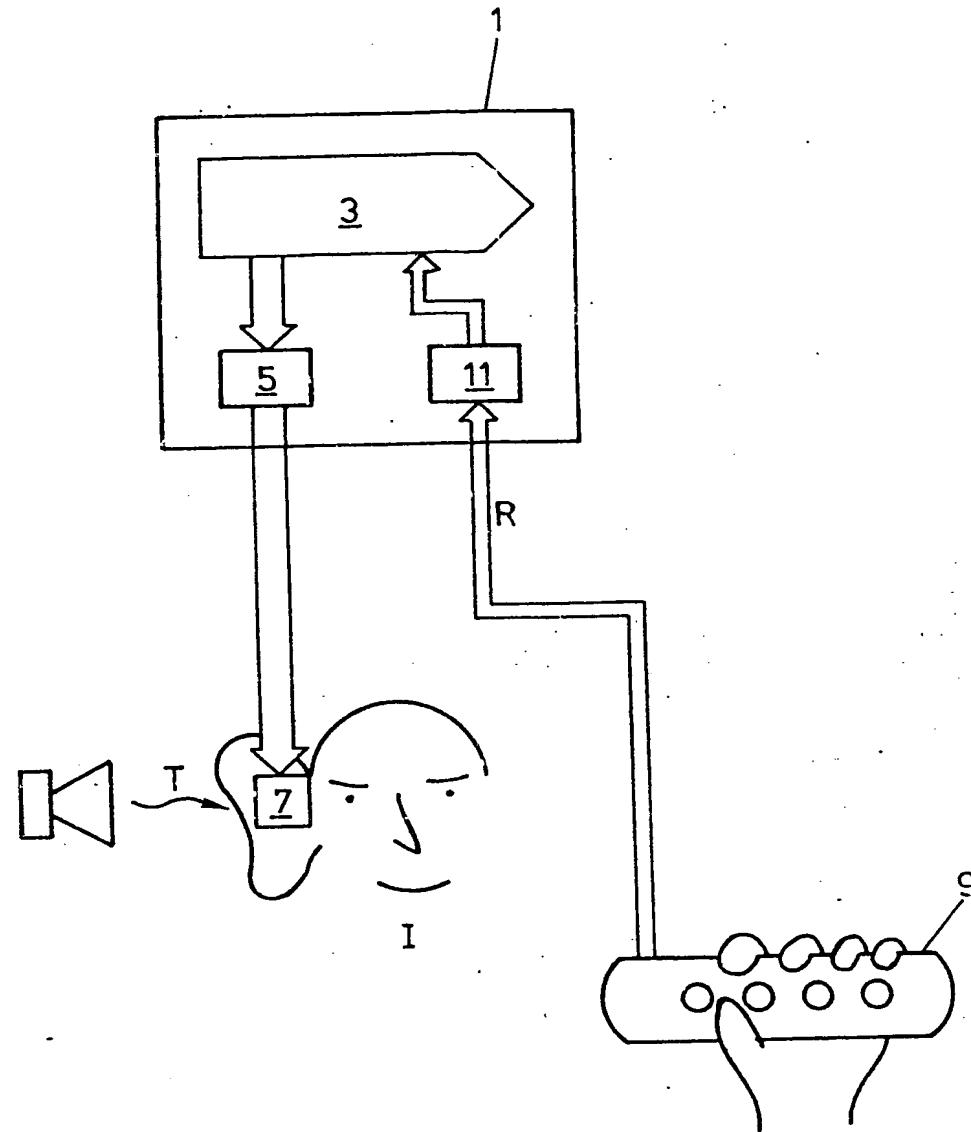


FIG.1

-- Prior Art --